

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 14, 2000**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B127287 People v. Amando  
B128167 People v. Maynor  
B133219 People v. Tullio  
B133392 People v. Mattox  
B135309 People v. Williams, Amber  
B136261 People v. Shabazz  
B137369 People v. Holzendorf I  
B137972 People v. Perez  
B138691 People v. White  
B139067 People v. Martha E.  
B139412 People v. Neider  
B140166 D.C.F.S. v. Jose O.  
B141358 D.C.F.S. v. Steve C.  
B143082 Laura L. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B140028     People  
              v.  
              Williams

Merits:

Argued by Susan J. Brakel for appellant and by Hye Y. Yang, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B139486     People  
              v.  
              Timothy A.

Merits:  
Argued by Jill A. Thomas for appellant and by Deborah J. Chuang, deputy attorney general, for respondent. Cause submitted.

B133313     People  
              v.  
              Kuhn & Miller

Merits:  
Argued by David S. Krueger for appellant Miller and by Robert C. Schneider, deputy attorney general, for respondent. William M. Duncan waived argument for appellant Kuhn. Cause submitted.

B139633     People  
              v.  
              Winston

Merits:  
Argued by Philip M. Brooks for appellant and by Sharlene Honnaka, deputy attorney general, for respondent. Cause submitted.

B144047     In re Francisco S.  
              on  
              Habeas Corpus

OSC:  
Argued by Lisa R. Greer for petitioner and by Roberta Schwartz, deputy district attorney, for respondent. Cause submitted.

DIVISION ONE (Continued)

B138824     Home Budget Loans  
              v.  
              Great Pacific Insurance Company

Merits:  
Argued by Marc L. Terbeek for respondent. Robert L. Wallan, appearing for appellant, waived argument. Cause submitted.

Ortega, J. leaves the bench.

B144103     Winstar Wireless, Inc.  
              v.  
              Superior Court, Los Angeles County  
              (Moreno et al., r.p.i.)

Merits:  
Argued by Robert Jon Hendricks for petitioner, by Ray E. Gallo for real party in interest Moreno and by J. Neil Gielegem for real party in interest Simpson. Jeffrey A. Wortman for real party in interest Kendall waived argument. Additional exhibit submitted to Court by real party in interest Moreno. Cause submitted.

B134178     Boyer  
              v.  
              Murphy

Merits:  
Argued by Robert S. Gerstein for appellant, by Jens B. Koepke for respondent Murphy and by Belinda K. Orem for respondent Forthmann. Cause submitted.

Court adjourned.

B138395     People  
              v.  
              Ellis

Filed order denying petition for rehearing.

DIVISION THREE

B133052      Nadia Venesse                      (Not for Publication)

v.

Motion Picture Guarantors, Ltd., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur:    Croskey, J.  
                     Perluss, J. (Assigned)

DIVISION FOUR

B119326      People                                      (Not for Publication)

v.

Martinez

The judgment is modified to reflect the imposition of \$200 fine pursuant to section 1202.4 and a \$200 fine pursuant to section 1202.45, and as modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to be forwarded to the Department of Corrections.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                     Epstein, J.

B141939      People                                      (Not for Publication)

v.

Wooten

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

## DIVISION FOUR (Continued)

B137284 People (Not for Publication)  
v.  
Cano

For the foregoing reasons, the judgment is modified to grant appellant an additional 84 days of credit against his sentence. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting this modification. As modified, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur:   Hastings, J.  
                      Curry, J.

B139531 People (Not for Publication)  
v.  
Hamilton

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B137376 People (Not for Publication)  
v.  
Terrell

The judgment is affirmed.

Curry, J.

We concur:   Vogel (C.S.), P.J.  
                      Epstein, J.

DIVISION FIVE

B141990      F.P.S. Services, Inc., et al.                      (Not for Publication)

v.

Workers Compensation Appeals Board

Peter Antico, Respondent

The judgment is reversed. Petitioners to recover costs from real party in interest.

Turner, P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

B142822      J.C. Penney Company                      (Not for Publication)

v.

Superior Court, Los Angeles County

(Megan Liberty et al., r.p.i.)

A peremptory writ of mandate shall issue directing respondent court to vacate its order of June 9, 2000, denying the motion of J.C. Penney Co. for summary judgment, and enter a new and different order granting the motion. Costs awarded to petitioner.

Godoy Perez, J.

We concur:    Grignon, Acting P.J.  
                         Weisman, J. (Assigned)

B130050      The People                                      (Not for Publication)

v.

\$1,800 United States Currency

Raj. C. Gupta

The judgment is reversed and the matter remanded to the trial court for retrial and application of the correct standard of proof.

Godoy Perez, J.

We concur:    Turner, P.J.  
                         Armstrong, J.

DIVISION SIX

B136093     People  
              v.  
              Veden

Filed order denying petition for rehearing.

DIVISION SEVEN

B139424     People  
              v.  
              Thomason

Filed order certifying opinion for publication.

B140767     People                                 (Not for Publication)  
              v.  
              Taylor

The judgment is affirmed.

Johnson, J.

We concur:   Lillie, P.J.  
                  Neal, J.

B139944     Davis                                 (Not for Publication)  
              v.  
              Ha'eri

The judgment of nonsuit is reversed and the cause is remanded for further proceedings consistent with this opinion. Appellant to recover her costs on appeal.

Johnson, J.

We concur:   Lillie, P.J.  
                  Woods, J.

## DIVISION SEVEN (Continued)

B135479 Prewitt (Not for Publication)

V.

Commonwealth Land Title Insurance Company

The judgment is affirmed. Commonwealth to recover its costs of appeal.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B136232 People (Not for Publication)

V.

Gorsci

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B138160 People (Not for Publication)

V.

Mendez

B142906      In re Mendez on Habeas Corpus

The judgment is modified to stay punishment on the conviction for possessing methamphetamine while armed with a loaded gun. As modified, the judgment is affirmed. The habeas corpus petition is denied.

Neal, J.

I concur:       Johnson, Acting P.J.

I concur and dissent: Woods, J. (Opinion)